IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4327 of 2006()

CRA.282/2004 of THE COURT OF ADDL. SESSIONS JUDGE, FAST TRACK, ADHOC-II, KOZHIKODE.
CC.536/2003 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOZHIKODE

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REVN. PETITIONER/APPELLANT/ACCUSED:

K. SURESH, S/O. LATE ACHUKUTTY MENOKI,
DAZE AUDI & VIDEO,
KAKKODI (P.O.), KOZHIKODE DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. SHINOD KUMAR, S/O. KUNHIKANDAN,
RESIDING AT MOOTHADIKKAL HOUSE,
VENGERI, KOZHIKODE DISTRICT.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.SAKIR.K.H.
R2 BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P.No. 4327 OF 2006

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Dated this the 5th December , 2006

O R D E R

The first respondent filed the complaint under section 138 of the Negotiable Instruments Act against the revision petitioner. The trial court found the accused guilty of the offence and he was sentenced to undergo simple imprisonment for six months . The accused was also directed to pay a sum of Rs. 1,09,000/- to the complainant as compensation under section 357(3) of the Code of Criminal Procedure. The appellate court confirmed the conviction and sentence imposed on the petitioner by the trial court.

2. An application has been filed under section 147 of the Negotiable Instruments Act by the petitioner/accused and the first respondent/ complainant seeking leave to compound the offence and that application was allowed.

Accordingly, the Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A. No. 12292 OF 2006

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Dated this the 5th December , 2006

O R D E R

The delay of 215 days in filing the revision petition is sought to be condoned in this application. It is stated in the affidavit accompanying the application that the petitioner was earnestly trying for settlement of the case. Now the matter is settled between the parties and an application for compounding is filed. Therefore, the delay is condoned.

Number the Crl. Revision Petition as well as the application for compounding.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. M.A. No. 12514 OF 2006
IN CRL. R.P.No. 4327 OF 2006

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Dated this the 5th December , 2006

O R D E R

This application is filed under section 147 of the Negotiable Instruments Act by the revision petitioner/accused and the first respondent/complainant seeking leave to compound the offence under section 138 of the Negotiable Instruments Act. It is stated in the application that the matter is settled between the parties and the complainant has received the entire amount due to him from the accused. The application is allowed.

K.T. SANKARAN,
JUDGE.

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